Knobbe Martens Olson & Bear LLP

Intellectual Property Law

550 West C Street
Suite 1200
San Diego CA 92101
Tel 619-235-8550
Fax 619-235-0176
www.kmob.com

RECEIVED
CENTRAL FAX CENTER

APR 13 2006

FACSIMILE TRANSMITTAL SHEET

CONFIRMATION COPY WILL FOLLOW VIA:

- ❏ MAIL
- ❏ INTERNATIONAL AIRMAIL
- ❏ COURIER
- ❏ E-MAIL

- ■ WILL NOT FOLLOW
- ❏ HAND DELIVERY
- ❏ WITH ENCLOSURES
- ❏ WITHOUT ENCLOSURES

Confidentiality Notice:

The documents accompanying this facsimile transmission contain confidential information which may be legally privileged. The information is intended only for the use of the recipient named below. If you have received this facsimile in error, please immediately notify us by telephone to arrange for return of the original documents to us; and any disclosure, copying, distribution or the taking of any action in reliance on the contents of this faxed information is strictly prohibited.

TO:	**USPTO**
FACSIMILE NO.:	(571) 273 8300
OUR REF.:	GOLDENH.001C1
APPL. NO.:	09/659,866
FROM:	John M. Carson
OPERATOR:	Connie Nuckels
DATE:	April 13, 2006

NO. OF PAGES: 10   (incl. cover sheet)

IF YOU DID NOT RECEIVE ALL OF THE PAGES PLEASE CALL BACK IMMEDIATELY

OPERATOR PHONE NO.: (619) 235-8550   FACSIMILE NO.: (619) 235-0176

MESSAGE:

Orange County	San Francisco	Los Angeles	Riverside	San Luis Obispo
949-760-0404	415-954-4114	310-551-3450	951-781-9231	805-547-5580

RECEIVED
CENTRAL FAX CENTER

Docket No.:   GOLDENH.001C1   APR 13 2006   Page 1 of 1

Please Direct All Correspondence to Customer Number **20995**

AMENDMENT / RESPONSE TRANSMITTAL

Applicant	:	Jones, et al.
Appl. No.	:	09/659,866
Filed	:	September 12, 2000
For	:	INTEGRATED EMERGENCY MEDICAL TRANSPORTATION DATABASE SYSTEM
Examiner	:	Pass, Natalie
Group Art Unit	:	3626

CERTIFICATE OF FAX TRANSMISSION
PTO CENTRALIZED FAX

I hereby certify that this correspondence and all marked attachments, are being transmitted via facsimile to the USPTO centralized Fax No. (571) 273-8300 on the date shown below:

April 13, 2006
(Date)

Total number of pages including this sheet: 9

John M. Carson, Reg. No. 34,303

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

(X)   Submission Prior to Filing of Appeal Brief in two (2) pages.

(X)   Supplemental Declaration signed by Kevin C. Hutton in three (3) pages.

(X)   Exhibit F in one (1) page.

(X)   Exhibit G in one (1) page.

(X)   Exhibit H in one (1) page.

(X)   The present application qualifies for Small Entity Status under 37 CFR 1.27.

(X)   Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

John M. Carson
Registration No. 34,303
Attorney of Record
Customer No. 20,995
(619) 235-8550

2521344/cfn/041306

RECEIVED
CENTRAL FAX CENTER

APR 13 2006

GOLDENH.001C1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Jones, et al.
Appl. No.	:	09/659,866
Filed	:	September 12, 2000
For	:	INTEGRATED EMERGENCY MEDICAL TRANSPORTATION DATABASE SYSTEM
Examiner	:	Pass, Natalie
Group Art Unit	:	3626

CERTIFICATE OF FAX TRANSMISSION
PTO CENTRALIZED FAX

I hereby certify that this correspondence and all marked attachments, are being transmitted via facsimile to the USPTO centralized Fax No. (571) 273-8300 on the date shown below:

April 13, 2006
(Date)

Total number of pages including this sheet: 9

John M. Carson, Reg. No. 34,303

SUBMISSION PRIOR TO FILING OF APPEAL BRIEF

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

After the filing of a Notice of Appeal and prior to the filing of an Appeal Brief, Applicant submits herewith a *Supplemental Declaration* by Kevin C. Hutton.

Applicant respectfully submits that the *Supplemental Declaration* clarifies certain aspects of the previously-submitted *Declaration Under 37 C.F.R. § 131 to Overcome Aeromed*, and that the *Supplemental Declaration* along with the *Declaration Under 37 C.F.R. § 131 to Overcome Aeromed* are sufficient to illustrate that the invention was actually reduced to practice prior to February 5, 1998. If the Examiner feels that the combination of both Declarations is insufficient to illustrate reduction to practice, Applicant submits, in the alternative, that the combination of both Declarations is sufficient to show conception prior to February 5, 1998 and due diligence in reduction to practice.

Applicant further submits that the combination of both Declarations addresses all outstanding rejections with respect to the Aeromed reference, and that the *Supplemental Declaration* is in response to the Examiner's discussion of the *Declaration Under 37 C.F.R. § 131 to Overcome Aeromed* in the Office Action mailed June 15, 2005.

-1-

Appl. No.	:	09/659,866
Filed	:	September 12, 2000

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _4/13/06_

By: _____

John M. Carson
Registration No. 34,303
Attorney of Record
Customer No. 20,995
(619) 235-8550

AMEND

2519566
041206

-2-

RECEIVED
CENTRAL FAX CENTER

APR 13 2006

PATENT

GOLDENH.001C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Scott J. Jones, et al.
Appl. No.	:	09/659,866
Filed	:	September 12, 2000
For	:	INTEGRATED EMERGENCY MEDICAL TRANSPORTATION DATABASE SYSTEM
Examiner	:	Pass, Natalie
Group Art Unit	:	3626

SUPPLEMENTAL DECLARATION

1.   This Declaration is in support of the *Declaration Under 37 C.F.R. § 131 to Overcome Aeromed*, submitted on January 21, 2005 to establish the status of the invention in the above-captioned U.S. patent application in the United States on February 5, 1998, which is the effective date of Acromed (http://www.aeromed-software.com, February 5, 1998)

2.   I am one of the named joint inventors of the described subject matter and all claims in the above-referenced application.

3.   I have read the Office Actions mailed September 21, 2004 (Paper No. 9) and June 15, 2005 (Paper No. 05272005) regarding the above-captioned application.

4.   The invention as described in Claims 2 and 9 of the pending examination was either actually reduced to practice prior to the effective date of the Aeromed reference or was undergoing due diligence to reduce to practice prior to the effective date of the Aeromed reference, as shown by the Exhibits submitted with the *Declaration Under 37 C.F.R. § 131 to Overcome Aeromed* and the Exhibits attached hereto.

5.   **Exhibit Sheet F** is a portion of source code indicative of the feature of a third module comprising instructions for tracking the actual flight path of the aircraft and determining whether the actual flight path varies from the calculated flight path. This source code, or source code functionally comparable to this source code, was either written prior to February 5, 1998, or was undergoing due diligence in writing the source code.

-1-

Appl. No.   :   **09/659,866**
Filed   :   **September 12, 2000**

6.   **Exhibit Sheet G** is a portion of a screen shot from a dispatch report dated June 6, 1998, which is indicative of the features of a second module comprising instructions for generating a calculated flight path to the patient site, and a third module comprising instructions for tracking the actual flight path of the aircraft and determining whether the actual flight path varies from the calculated flight path. Although the date of this report is after the effective date date of the Aeromed reference, the screen shot illustrates features which were either reduced to practice prior to February 5, 2006 or was undergoing due diligence to reduce to practice. No dispatch report data prior to June 6, 1998 could be obtained.

7.   **Exhibit Sheet H** is a portion of a screen shot from the dispatch software illustrating a use of the feature of determining whether the actual flight path varies from the calculated flight path. This feature utilizes the source code shown in **Exhibit Sheet F** or source code functionally comparable to that source code.

8.   Therefore, **Exhibit Sheets F, G** and **H** further clarify the assertion in the *Declaration Under 37 C.F.R. § 131 to Overcome Aeromed* that features of the system regarding a computerized system for managing airborne transportation of a patient, comprising a first module comprising instructions for dispatching an aircraft carrying an airborne emergency transport crew to a patient site, a second module comprising instructions for generating a calculated flight path to the patient site, and a third module comprising instructions for tracking the actual flight path of the aircraft and determining whether the actual flight path varies from the calculated flight path, as well as a third module further comprising instructions for tracking the flight coordinates of the aircraft were clearly conceived prior to February 5, 1998 and either actually reduced to practice prior to February 5, 1998 or were undergoing due diligence to reduce to practice.

9.   I, Kevin C. Hutton, am listed as an inventor on U.S. Patent Application 09/033,440, filed March 2, 1998, which is the priority application for the subject application.

10.   All acts leading to the reduction to practice were performed in the United States.

11.   This document is submitted prior to the filing of an Appeal Brief in order to clarify statements made in the previous *Declaration Under 37 C.F.R. § 131 to Overcome Aeromed.*

Penalty of Perjury Statement

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these

-2-

Appl. No.   :   **09/659,866**
Filed   :   **September 12, 2000**

statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent resulting therefrom.

Dated: _4/12/06_____   By: _____

                                                  Kevin C. Hutton

2518068
041206

-3-

```
USE SET("$Air Times")
$Rec:=Records in selection([DispatchTimes])
If ($Rec>0)
        QUERY SELECTION([DispatchTimes];[DispatchTimes]Loaded=True;*)
        QUERY SELECTION([DispatchTimes]; & ;[DispatchTimes]Leg_Miles>0.0001)
        CREATE SET([DispatchTimes];"Loaded Times")
        USE SET("Loaded Times")
        $Rec:=Records in selection([DispatchTimes])
        FIRST RECORD([DispatchTimes])
        $Loaded:=0
        For ($i;1;$Rec)
                $Loaded:=$Loaded+[DispatchTimes]Leg_Miles
                NEXT RECORD([DispatchTimes])
        End for
End if
```

EXHIBIT F

Segway Mileage Deviation Threshold
By what percentage segway mileage exceeds site to site mileage before | 1.00
user is prompted to enter justification documentation. | (0.00 to 1.00)

·04/13/06 16:19 FAX 16192350176   KMOB SAN DIEGO

PAGE 10/10 * RCVD AT 4/13/2006 7:13:26 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-2/19 * DNIS:2738300 * CSID:16192350176 * DURATION (mm-ss):05-48